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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,547	09/15/2003	Simon Anne de Molina	1316N-001670	2269
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	, DICKEY & PIERCE,	SCHWARTZ, CH	SCHWARTZ, CHRISTOPHER P	
P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some *c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (References Cited PTO-948) 1) Notice of Informal Patent Application (References Cited PTO-948) 5) Notice of Informal Patent Application (References Cited PTO-948) 1) Notice of Informal Patent Application (References Cited PTO-948) 2) Notice of Informal Patent Application (References Cited PTO-948) 3) Notice of Informal Patent Application (References Cited PTO-948) 3) Notice of Informal Patent Application (References Cited PTO-948) 4) Other:		Ap	oplication No.	Applicant(s)		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be valided used the previous of 3 CFR 1.136(a), in no event, however, may a reply be timely filed Extensions of time may be valided used the previous of 3 CFR 1.136(a), in no event, however, may a reply be timely filed Extensions of time may be valided bears in the time of 3 CFR 1.136(a), in no event, however, may a reply be timely filed Extensions of time may be valided used the previous of 3 CFR 1.136(a), in no event, however, may a reply be timely filed Extensions of time may be valided used the filed to the communication, and the previous of the part of the previous of the communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) ☑ Responsive to communication(s) filed on 07 Coctober 2004. 2a) ☐ This action is FINAL. 2b) ☑ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 7-15 and 18 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5i/are allowed. 6) ☑ Claim(s) 7-15 and 18 is/are pending in the application. 4a) Claim(s) is/are allowed. 6) ☑ Claim(s) 7-15 and 18 is/are pending in the application. 6) ☑ Claim(s) 7-15 and 18 is/are pending in the application. 7 ☐ Claim(s) is/are allowed. 8) ☐ Claim(s) 7-15 and 18 is/are pending in the application. 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are	1		0/662,547	DE MOLINA, SIMON ANNE		
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S. Patent and Trademark Office TOL-326 (Rev. 1-04) Part of Paper No /Mail Date 5	a) All b) Some * c) N 1. Certified copies of th 2. Certified copies of th 3. Copies of the certified application from the * See the attached detailed O Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawin 3) Information Disclosure Statement(s) (P	None of: ne priority documents had ne priority documents had ed copies of the priority of International Bureau (Pol iffice action for a list of the	ve been received. ve been received in Application documents have been receive CT Rule 17.2(a)). he certified copies not receive	on No ed in this National Stage d.		
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DETAILED ACTION

1. Applicant's amendment filed 10/7/2004 has been received. Claims 7-15 and 18 are currently pending.

Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the first paragraph of 35 U.S.C. 112:
 - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 3. Claims 7-15,18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claims 7,12 it is unclear how the sleeve, shown in the drawings at 78, "defines" either a plurality of holes through the piston rod assembly 18 (see claim 7) or a hole located at a base of a groove (see claim 12). As seen in the drawings the plurality of holes and the spiral groove are "defined" by or in the piston nut 70.

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 3683

5. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMolina et al. in view of Lee or Dressell, Jr. et al. '415.

Regarding claims 7, subject to the 112 above, DeMolina et al. discloses a pressure tube 14, a piston body 40, a piston rod 18, first and second valve assemblies 58,66, a piston nut 70, a third fluid passage way 80,82,86 and a sleeve 78, all functioning in the claimed manner.

DeMolina et al. lacks showing a plurality of holes formed in a helical formation and the sleeve 78 covering all of the plurality of holes to fully close the third flow path. However, as discussed previously, such an idea is old and well known in the art.

Lee or Dressell, Jr. et al. '415 is relied upon to provide a general teaching of this idea. In Lee see orifices at 34 and see column 4 around line 40 where it is stated that the orifices 34 may be arranged in helical patters or others. Note that the arrangement of the orifices need not be specific for the proper functioning of the damper.

Dressell, Jr. et al. '415 shows a helically arranged orifices in figures 2 and 10 that may be progressively covered by a sleeve 76 dependent upon its rotational position.

This reference is relied upon to show it is known to use a progressive metering effect of fluid passages to control the responsiveness of a shock absorber.

One having ordinary skill in the art at the time of the invention would have found it obvious to have provided a plurality of holes, as claimed, in the piston nut of DeMolina et al., as taught generally by Lee or Dressell, Jr. et al. '415, and that are progressively covered by the sleeve 78, simply dependent upon the damping characteristics desired from the absorber. It is notoriously well known in the art to provide dampers, as shown

by DeMolina, with progressively covered holes as one well known means to further regulate the damping characteristics (i.e. soft, medium and hard rides) of a shock absorber dependent upon the specific handling characteristics desired from a particular vehicle.

Note that as the sleeve 78 of DeMolina travels back and forth during the damping cycle, it could be made capable of covering all of the holes to close the third flow path, as modified. As discussed above, such a modification would be obvious and simply depend upon the damping characteristics desired.

Regarding claims 8-11 as modified above, these requirements are met.

6. Claims12-15,18 rejected under 35 U.S.C. 103(a) as being unpatentable over DeMolina in view of Dressell et al. '415 or Schupner '122 ..

Regarding claims 12-15 and 18 DeMolina lacks a showing of the third passageway comprised of a single hole and groove with a depth of the groove decreasing from the hole to a terminal end and the sleeve simultaneously covering the hole and the groove to fully close the third flow path, as now amended.

The references to Dressell et al. '415 or Schupner '122 provide a general teaching showing helical grooves with varying depth with holes which open into them. Please see in particular figure 10 of Dressell

One having ordinary skill in the art at the time of the invention would have found it obvious to have provided the device of DeMolina with a single hole-groove combination, with the groove having a varying depth, as claimed, and as taught by either Dressell et al. or Schupner, simply dependent upon the type and level of damping

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characteristics desired from the shock absorber. Note that other arrangements of the grooves are possible, as stated in the references.

Note that as the sleeve 78 of DeMolina travels back and forth during the damping cycle, it could be made to be capable of covering the hole and groove to close the third flow path, as modified. As discussed above, such a modification would be obvious and would simply depend upon the damping characteristics desired.

Regarding claims 13-15,18 these requirements are met.

Response to Arguments

7. The examiner maintains the position that one of ordinary skill in the art would have found it obvious to have modified the device of Demolina et al., as taught by the references to Dressell, Lee and Shupner above since it is notoriously well known in the art to control the level of damping through progressively opened passageways or channels. DeMolina et al. Does show, to some extent, a progressively opened passageway in the area of 86 and 88. This becomes part of the modified structure.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 703-308-0576. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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